



**THE CITY OF NEW YORK
LAW DEPARTMENT**

Zachary W. Carter
Corporation Counsel

100 CHURCH STREET
NEW YORK, NY 10007-2601

March 18, 2014

Honorable Raymond J. Dearie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States et. al., v. City of New York, et al.
13 Civ. 3123 (RJD)(RLM)
07 Civ. 0267 (NGG)(RLM)

Your Honors:

I write on behalf of the parties to respectfully request that Judge Dearie issue a determination that implementation of the settlement of the disparate treatment claim should be supervised by Judge Garaufis.

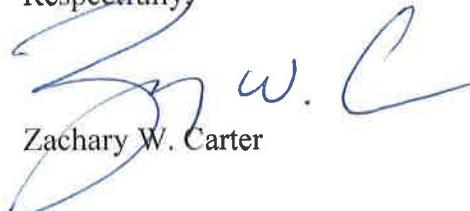
In discussing the reassignment of the disparate treatment claim, the Second Circuit stated that only the liability phase of Plaintiff-Intervenors' remanded disparate treatment claim was to be conducted by a different judge. *United States v. City*, 717 F.3d 72, 100 (2d Cir. 2013). The Second Circuit further stated, "[w]e leave to the District Court the task of determining the appropriate supervision role or roles of Judge Garaufis and/or whichever judge is assigned to preside at the trial of the liability phase of the disparate treatment claim." *Id.*

The agreement between the City and Plaintiffs-Intervenors resolving the disparate treatment claims provides injunctive relief that relates to firefighter recruitment, the process for selection of entry-level firefighters, and other steps to increase the diversity of the Fire Department. As such, most of the relief will be encompassed within areas that are under Court Monitor Cohen's supervision. Consequently, all the parties agree that it is more efficient for Judge Garaufis, to whom Court Monitor Cohen reports, to have jurisdiction over the settlement of the disparate treatment claims.

For the foregoing reasons, the parties respectfully request that Judge Dearie issue an order requesting that Judge Garaufis agree to supervise implementation of the settlement of the disparate treatment claim and that Judge Garaufis assent to this request.

We appreciate the Court's attention to this matter.

Respectfully,



Zachary W. Carter

cc.: Honorable Roanne L. Mann
Counsel for Plaintiffs-Intervenors
Counsel for the United States
Court Monitor Cohen
Special Masters Cohen, Gonzalez, Hormozi, and Peace